

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Charles Elliott Baker

Docket No. 7:06-CR-106-1F

Petition for Action on Supervised Release

COMES NOW John A. Cooper, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Charles Elliott Baker, who, upon an earlier plea of guilty to 21 U.S.C. § 841 (a)(1), Distribution of a Quantity of Cocaine, and Possession With the Intent to Distribute a Quantity of Cocaine and Marijuana, 18 U.S.C. § 924(c)(1)(A), Use and Carry a Firearm During and Relation to a Drug Trafficking Crime, and 18 U.S.C. § 922(g)(1) and 924, Possession of a Firearm by a Felon, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on July 3, 2007, to the custody of the Bureau of Prisons for a term of 106 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall participate in a vocational training program as directed by the probation office.
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Charles Elliott Baker was released from custody on October 10, 2013, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On May 23, 2014, Baker reported to the U.S. Probation Office and submitted to urine testing. The result was positive for cocaine. He signed an Admission of Drug Use Form admitting to using cocaine. Since his release, Baker has resided in Tabor City, North Carolina, with his wife and is employed in South Carolina. This is the first violation he has incurred and he expressed remorse for his lack of good judgment. As such, it is recommended that supervision be continued but modified

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to require Baker to serve two days in jail and participate in the DROPS program to address any further substance abuse. He will also be required to participate in outpatient substance abuse treatment and testing as well.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, and shall abide by all rules and regulations of the designated facility.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the second use level.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ John A. Cooper
John A. Cooper
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-815-4857
Executed On: May 28, 2014

ORDER OF COURT

Considered and ordered this 29th day of May, 2014, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge